

REMARKS

The Examiner has required restriction in the above-identified application as follows:

- Group I: Claims 7, 8, 11 (in part), 12, 14, 20, 21 (in part), 22 and 24, drawn to a composition comprising a support, a plurality of oligonucleotides bound to the support wherein one of the nucleotides is bonded to a chemiluminescent precursor, where the precursor is bonded to the oligonucleotide directly and wherein the precursor can be converted to a chemiluminescent moiety which is a 1,2 dioexatane is bonded to the oligonucleotide directly;
- Group II: Claims 7, 8, 11 (in part), 13, 14, 20, 21 (in part), 23 and 24, drawn to a composition comprising a support, a plurality of oligonucleotides bound to the support wherein one of the nucleotides is bonded to a chemiluminescent precursor, where the precursor is bonded to the oligonucleotide through a linker group and wherein the precursor can be converted to a chemiluminescent moiety which is a 1,2 dioexatane is bonded to the oligonucleotide through a linker group;
- Group III: Claim 10 (in part), drawn to the composition of Claim 7 where the precursor is presented by the formula on page 2, with T being the adamantyl group, Ar being an aromatic hydrocarbon and X being the phosphonate ester;
- Group IV: Claim 10 (in part), drawn to the composition of Claim 7 where the precursor is presented by formula on page 2, with T being the adamantyl group, Ar being an aromatic hydrocarbon and X being the enol ether;

- Group V: Claim 10 (in part), drawn to the composition of Claim 7 where the precursor is presented by the formula on page 2, with unspecified T, Ar and X;
- Group VI: Claims 15 (in part) and 19, drawn to the composition of Claim 7 where the precursor has the formula I and all of the R groups are hydrocarbon groups only (alkyl, cycloalkyl, aryl, aralkyl), and X is a direct bond to the oligonucleotide;
- Group VII: Claims 15 (in part) and 18, drawn to the composition of Claim 7 where the precursor has the formula I and at least one of the R groups is heteroalkyl, heteroaralkyl, heteroaryl, hydroxyaryl, substituted hydroxyaryl, acyloxyaryl, substituted acyloxyaryl, and aryloxy, and X is a direct bond to the oligonucleotide;
- Group VIII: Claim 15 (in part), drawn to the composition of Claim 7 where the precursor has the formula I and at least one of the R groups is siloxyaryl, or substituted siloxyaryl, and X is a direct bond to the oligonucleotide;
- Group IX: Claim 15 (in part), drawn to the composition of Claim 7 where the precursor has the formula I and at least one of the R groups is aminoaryl, or substituted aminoaryl, and X is a direct bond to the oligonucleotide;
- Group X: Claim 15 (in part), drawn to the composition of Claim 7 where the precursor has the formula I and at least one of the R groups is sulfonamidoaryl, or substituted sulfonamidoaryl, and X is a direct bond to the oligonucleotide;

- Group XI: Claims 15 (in part), 16, 17 and 19, drawn to the composition of Claim 7 where the precursor has the formula I and all of the R groups are hydrocarbon groups only (alkyl, cycloalkyl, aryl, aralkyl), and X is a linking group bonded to the oligonucleotide;
- Group XII: Claims 15 (in part), 16, 17 and 18, drawn to the composition of Claim 7 where the precursor has the formula I and at least one of the R groups is heteroalkyl, heteroaralkyl, heteroaryl, hydroxyaryl, substituted hydroxyaryl, acyloxyaryl, substituted acyloxyaryl, and aryloxy, and X is a linking group bonded to the oligonucleotide;
- Group XIII: Claims 15 (in part), 16 and 17, drawn to the composition of Claim 7 where the precursor has the formula I and at least one of the R groups is siloxyaryl, or substituted siloxyaryl, and X is a linking group bonded to the oligonucleotide;
- Group XIV: Claims 15 (in part), 16 and 17, drawn to the composition of Claim 7 where the precursor has the formula I and at least one of the R groups is aminoaryl, or substituted aminoaryl, and X is a linking group bonded to the oligonucleotide;
- Group XV: Claims 15 (in part), 16 and 17, drawn to the composition of Claim 7 where the precursor has the formula I and at least one of the R groups is sulfonamidoaryl, or substituted sulfonamidoaryl, and X is a linking group bonded to the oligonucleotide; and
- Group XVI: Claims 15 (in part), drawn to the composition of Claim 7 where the precursor has the formula I and the R groups can be any groups or group combinations not specified in Groups VI-XV.

In response to the restriction requirement, Applicants hereby elect, with traverse Group II, Claims 7, 8, 11 (in part), 13, 14, 20, 21 (in part), 23 and 24, drawn to a composition comprising a support, a plurality of oligonucleotides bound to the support wherein one of the nucleotides is bonded to a chemiluminescent precursor, where the precursor is bonded to the oligonucleotide through a linker group and wherein the precursor can be converted to a chemiluminescent moiety which is a 1,2 dioxetane bonded to the oligonucleotide through a linker group.

In response to the election of species requirement outlined on page 6 of the Official Action, Applicants hereby elect, with traverse, the species comprising an oligonucleotide bonded to the chemiluminescent precursor depicted at the top of page 12 of the specification.

The above election has been made with traverse. In particular, Applicants respectfully submit that examination of all currently pending claims would not pose an undue burden on the Examiner. Section 803 of The Manual of Patent Examining Procedure states that “[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.” Applicants therefore respectfully request examination of all currently pending claims. Moreover, as set forth in the Official Action, the claims of Groups I and II are classified in the same subclass. Therefore, it is respectfully requested that at least the subject matter defined by the claims of Group I be examined concurrently with the elected group.

In responding to the restriction requirement, the Applicants take no position regarding whether the claims of the various groups identified in the Official Action define distinct inventions.

CONCLUSION

Applicants submit that the application is now in condition for examination on the merits. Early notification of such action is earnestly solicited. If any issues remain which the Examiner feels may be best resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact Applicants' counsel, Christopher W. Raimund at (202) 861-3896.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'S. Kelber', is written over a horizontal line.

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